

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation
Against:

EILEEN A. BULKLEY-LOGSTON
a.k.a. EILEEN ANGELA BULKLEY-LOGSTON
581 Silver Maple Drive
Hercules, CA 94547

Registered Nurse License No. 492293

Respondent

Case No. 2011-928

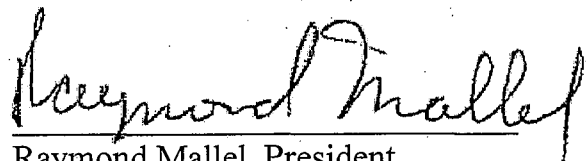
OAH No. 2012041090

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 20, 2012.**

IT IS SO ORDERED **November 20, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

12 **EILEEN A. BULKLEY-LOGSTON**
13 **aka Eileen Angela Bulkley-Logston**
14 **581 Silver Maple Dr.**
Hercules, CA 94547

15 **Registered Nurse License No. 492293**

16 Respondent.

Case No. 2011-928

OAH No. 2012041090

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Jonathan D. Cooper, Deputy Attorney General.

24 2. Eileen Bulkley-Logston (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 31, 1993, the Board of Registered Nursing issued Registered
27 Nurse License No. 492293 to Eileen Bulkley-Logston (Respondent). The Registered Nurse
28 License was in full force and effect at all times relevant to the charges brought in Petition to

1 Revoke Probation No. 2011-928 and will expire on February 28, 2013, unless renewed.

2 **JURISDICTION**

3 4. Petition to Revoke Probation No. 2011-928 was filed before the Board of Registered
4 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
5 The Petition to Revoke Probation and all other statutorily required documents were properly
6 served on Respondent on March 22, 2012. Respondent timely filed her Notice of Defense
7 contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 2011-
8 928 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in Petition
11 to Revoke Probation No. 2011-928. Respondent also has carefully read, and understands the
12 effects of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
15 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses
16 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
17 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Petition to
24 Revoke Probation No. 2011-928, agrees that cause exists for discipline and hereby surrenders her
25 Registered Nurse License No. 492293 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Registered Nurse License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
4 the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in Petition
11 to Revoke Probation No. 2011-928 shall be deemed to be true, correct and admitted by
12 Respondent when the Board determines whether to grant or deny the petition. Should the Board
13 grant the petition, Respondent shall be required as a condition of licensure or as one of
14 Respondent's condition of probations, at the Board's discretion, to pay the sum of \$7,049.50,
15 which constitutes the remaining balance of cost recovery that Respondent was ordered to pay
16 pursuant to the Board's Decision and Order in Case No. 2011-928.

17 5. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 2011-
20 928 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
21 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

22 6. Respondent shall not apply for licensure or petition for reinstatement for one (1) year
23 from the effective date of the Board of Registered Nursing's Decision and Order.

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26 **ACCEPTANCE**

27 I have carefully read the Stipulated Surrender of License and Order. I understand the
28 stipulation and the effect it will have on my Registered Nurse License. I enter into this

1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Registered Nursing.

3 DATED: 7/24/12


EILEEN BULKLEY-LOGSTON

Respondent

4
5 ENDORSEMENT

6 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
7 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

8 Dated: 8/13/12

Respectfully submitted,

9
10 KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

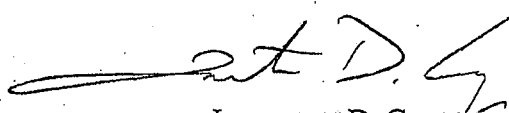
11
12 
13 JONATHAN D. COOPER
14 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Petition to Revoke Probation No. 2011-928

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 2011-928

12 **EILEEN A. BULKLEY-LOGSTON**
aka Eileen Angela Bulkley-Logston
13 581 Silver Maple Dr.
Hercules, CA 94547

PETITION TO REVOKE PROBATION

14
15 Registered Nurse License No. 492293

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about August 31, 1993, the Board of Registered Nursing issued Registered
24 Nurse License Number 492293 to Eileen Bulkley-Logston (Respondent). The Registered Nurse
25 License was in effect at all times relevant to the charges brought herein and will expire on
26 February 28, 2013, unless renewed.

27 3. In a disciplinary action entitled "In the Matter of the Accusation Against Eileen A.
28 Bulkley-Logston, aka Eileen Angela Bulkley-Logston," Case No. 2011-928, the Board of

1 Registered Nursing issued a decision, effective January 6, 2012, in which Respondent's
2 Registered Nurse License was revoked. However, the revocation was stayed and Respondent's
3 Registered Nurse License was placed on probation for a period of three (3) years with certain
4 terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by
5 reference.

6 JURISDICTION

7 4. This Accusation and Petition to Revoke Probation is brought before the Board of
8 Registered Nursing (Board), Department of Consumer Affairs, under the authority of the
9 following laws. All section references are to the Business and Professions Code unless otherwise
10 indicated.

11 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
12 that the Board may discipline any licensee, including a licensee holding a temporary or an
13 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
14 Nursing Practice Act.

15 6. Section 2759 of the Code provides, in pertinent part, that the Board may impose
16 discipline upon the holder of a license by placing him on probation.

17 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
19 licensee or to render a decision imposing discipline on the license.

20 FIRST CAUSE TO REVOKE PROBATION

21 (Failure to Comply With Probation Terms)

22 8. At all times after the effective date of Respondent's probation, Condition 2 stated, in
23 pertinent part:

24 **Comply with the Board's Probation Program.** Respondent shall fully
25 comply with the conditions of the Probation Program established by the Board and
26 cooperate with representatives of the Board in its monitoring and investigation of the
27 Respondent's compliance with the Board's Probation Program. Respondent shall
28 inform the Board in writing within no more than 15 days of any address change and
shall at all times maintain an active, current license status with the Board, including
during any period of suspension.

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- 1 9. Respondent's probation is subject to revocation because she failed to comply with
2 Probation Condition 2. The facts and circumstances regarding this violation are as follows:
3 A. The allegations of paragraphs 10-15 are incorporated herein by reference.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 (Physical Evaluation: Inability to Safely Practice)

- 6 10. At all times after the effective date of Respondent's probation, Condition 14 stated, in
7 pertinent part:

8 **Physical Examination.** Within 45 days of the effective date of this
9 Decision, Respondent, at her expense, shall have a licensed physician, nurse
10 practitioner, or physician assistant, who is approved by the Board before the
11 assessment is performed, submit an assessment of the Respondent's physical
12 condition and capability to perform the duties of a registered nurse. Such an
13 assessment shall be submitted in a format acceptable to the Board. If medically
14 determined, a recommended treatment program will be instituted and followed by the
15 Respondent with the physician, nurse practitioner, or physician assistant providing
16 written reports to the Board on forms provided by the Board.

17 If Respondent is determined to be unable to practice safely as a registered
18 nurse, the licensed physician, nurse practitioner, or physician assistant making this
19 determination shall immediately notify the Board and Respondent by telephone, and
20 the Board shall request that the Attorney General's office prepare an accusation or
21 petition to revoke probation. Respondent shall immediately cease practice and shall
22 not resume practice until notified by the Board. During this period of suspension,
23 Respondent shall not engage in any practice for which a license issued by the Board
24 is required until the Board has notified Respondent that a medical determination
25 permits Respondent to resume practice. This period of suspension will not apply to
26 the reduction of this probationary time period.

- 27 11. Respondent's probation is subject to revocation pursuant to Probation Condition 14.
28 The facts and circumstances regarding this violation are as follows:

29 A. On or about February 17, 2012, Respondent was evaluated by Roger M. Iliff, M.D.
30 On or about February 17, 2012, Dr. Iliff wrote to the Board and stated that, in his opinion,
31 Respondent was in need of residential treatment to address her substance abuse problem. On or
32 about February 20, 2012, Dr. Iliff wrote that Respondent needs to complete such a program
33 before she can be cleared to practice as a registered nurse.

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1 **THIRD CAUSE TO REVOKE PROBATION**

2 (Failure to Participate In Drug Testing Program)

3 12. At all times after the effective date of Respondent's probation, Condition 17 stated:

4 **Submit to Tests and Samples.** Respondent, at her expense, shall
5 participate in a random, biological fluid testing or a drug screening program which
6 the Board approves. The length of time and frequency will be subject to approval by
7 the Board. Respondent is responsible for keeping the Board informed of
8 Respondent's current telephone number at all times. Respondent shall also ensure
9 that messages may be left at the telephone number when she is not available and
10 ensure that reports are submitted directly by the testing agency to the Board, as
11 directed. Any confirmed positive finding shall be reported immediately to the Board
12 by the program and Respondent shall be considered in violation of probation.

13 In addition, Respondent, at any time during the period of probation, shall
14 fully cooperate with the Board or any of its representatives, and shall, when
15 requested, submit to such tests and samples as the Board or its representatives may
16 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
17 controlled substances.

18 If Respondent has a positive drug screen for any substance not legally
19 authorized and not reported to the coordinating physician, nurse practitioner, or
20 physician assistant, and the Board files a petition to revoke probation or an
21 accusation, the Board may suspend Respondent from practice pending the final
22 decision on the petition to revoke probation or the accusation. This period of
23 suspension will not apply to the reduction of this probationary time period.

24 If Respondent fails to participate in a random, biological fluid testing or
25 drug screening program within the specified time frame, Respondent shall
26 immediately cease practice and shall not resume practice until notified by the Board.
27 After taking into account documented evidence of mitigation, if the Board files a
28 petition to revoke probation or an accusation, the Board may suspend Respondent
from practice pending the final decision on the petition to revoke probation or the
accusation. This period of suspension will not apply to the reduction of this
probationary time period.

13. Respondent's probation is subject to revocation because she failed to comply with
Probation Condition 17. The facts and circumstances regarding this violation are as follows:

A. On or about January 7, 2012, January 8, 2012 and February 15, 2012, Respondent
failed to call or check in with First Lab, the Board's approved testing provider.

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1 **FOURTH CAUSE TO REVOKE PROBATION**

2 (Mental Evaluation: Inability to Safely Practice)

3 14. At all times after the effective date of Respondent's probation, Condition 18 stated, in
4 pertinent part:

5 **Mental Health Examination.** Respondent shall, within 45 days of the
6 effective date of this Decision, have a mental health examination including
7 psychological testing as appropriate to determine her capability to perform the duties
8 of a registered nurse. The examination will be performed by a psychiatrist,
9 psychologist or other licensed mental health practitioner approved by the Board. The
examining mental health practitioner will submit a written report of that assessment
and recommendations to the Board. All costs are the responsibility of Respondent.
Recommendations for treatment, therapy or counseling made as a result of the mental
health examination will be instituted and followed by Respondent.

10 If Respondent is determined to be unable to practice safely as a registered
11 nurse, the licensed mental health care practitioner making this determination shall
12 immediately notify the Board and Respondent by telephone, and the Board shall
13 request that the Attorney General's office prepare an accusation or petition to revoke
14 probation. Respondent shall immediately cease practice and may not resume practice
15 until notified by the Board. During this period of suspension, Respondent shall not
engage in any practice for which a license issued by the Board is required, until the
Board has notified Respondent that a mental health determination permits Respondent
to resume practice. This period of suspension will not apply to the reduction of this
probationary time period.

16 15. Respondent's probation is subject to revocation pursuant to Probation Condition 18.
17 The facts and circumstances regarding this violation are as follows:

18 A. On or about February 18, 2012, Respondent was evaluated by Mary LaGue, RN,
19 Psy.D. On or about February 20, 2012, Dr. LaGue issued a report in which she noted that
20 Respondent cannot safely or competently practice nursing.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
25 No. 2011-928 and imposing the disciplinary order that was stayed thereby revoking Registered
26 Nurse License No. 492293, issued to Eileen Bulkley-Logston;

27 2. Revoking or suspending Registered Nurse License No. 492293, issued to Eileen
28 Bulkley-Logston;

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 22, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2011-928

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EILEEN A. BULKLEY-LOGSTON
a.k.a. EILEEN ANGELA BULKLEY-LOGSTON
581 Silver Maple Dr
Hercules, CA 94547

Registered Nurse License No. 492293

Respondent

Case No. 2011-928

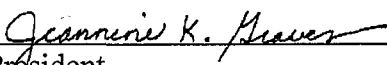
OAH No. 2011070382

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 6, 2012.**

IT IS SO ORDERED **December 8, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
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455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-928

12 **EILEEN A. BULKLEY-LOGSTON**
13 **aka Eileen Angela Bulkley-Logston**
581 Silver Maple Dr.
Hercules, CA 94547

OAH No. 2011070382

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Registered Nurse License No. 492293**

15 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Jonathan D.
24 Cooper, Deputy Attorney General.

25 2. Respondent Eileen Angela Bulkley-Logston (Respondent) is represented in this
26 proceeding by attorney Sabina Sadykhova, whose address is: Tenax Law Group, 145 Park Place,
27 Suite A, Point Richmond, CA 94801.

28 3. On or about August 31, 1993, the Board of Registered Nursing issued Registered

1 Nurse License No. 492293 to Eileen Angela Bulkley-Logston (Respondent). The Registered
2 Nurse License was in full force and effect at all times relevant to the charges brought in
3 Accusation No. 2011-928 and will expire on February 28, 2013, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 2011-928 was filed before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on May 16,
8 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
9 Accusation No. 2011-928 is attached as exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 2011-928. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2011-928.

27 9. Respondent agrees that her Registered Nurse License is subject to discipline and she-
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 492293, issued to Respondent Eileen Angela Bulkley-Logston (Respondent), is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1 **Severability Clause.** Each condition of probation contained herein is a separate and
2 distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A
7 full and detailed account of any and all violations of law shall be reported by Respondent to the
8 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully
16 comply with the conditions of the Probation Program established by the Board and cooperate with
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no
19 more than 15 days of any address change and shall at all times maintain an active, current license
20 status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully restored.

22 3. **Report in Person.** Respondent, during the period of probation, shall
23 appear in person at interviews/meetings as directed by the Board or its designated representatives.

24 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
25 or practice as a registered nurse outside of California shall not apply toward a reduction of this
26 probation time period. Respondent's probation is tolled, if and when she resides outside of
27 California. Respondent must provide written notice to the Board within 15 days of any change of
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where she has ever been licensed
3 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
4 information regarding the status of each license and any changes in such license status during the
5 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
6 license during the term of probation.

7 5. **Submit Written Reports.** Respondent, during the period of probation,
8 shall submit or cause to be submitted such written reports/declarations and verification of actions
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation
11 Program. Respondent shall immediately execute all release of information forms as may be
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
14 state and territory in which she has a registered nurse license.

15 6. **Function as a Registered Nurse.** Respondent, during the period of
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered nursing"
19 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
20 non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice nursing
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 If Respondent has not complied with this condition during the probationary term, and
24 Respondent has presented sufficient documentation of her good faith efforts to comply with this
25 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
26 extension of Respondent's probation period up to one year without further hearing in order to
27 comply with this condition. During the one year extension, all original conditions of probation
28 shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent shall
2 obtain prior approval from the Board before commencing or continuing any employment, paid or
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within seventy-two
9 (72) hours after she obtains any nursing or other health care related employment. Respondent
10 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
11 separated, regardless of cause, from any nursing, or other health care related employment with a
12 full explanation of the circumstances surrounding the termination or separation.

13 8. **Supervision.** Respondent shall obtain prior approval from the Board
14 regarding Respondent's level of supervision and/or collaboration before commencing or
15 continuing any employment as a registered nurse, or education and training that includes patient
16 care.

17 Respondent shall practice only under the direct supervision of a registered nurse in good
18 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
19 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
20 approved.

21 Respondent's level of supervision and/or collaboration may include, but is not limited to the
22 following:

23 (a) Maximum - The individual providing supervision and/or collaboration is present in
24 the patient care area or in any other work setting at all times.

25 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
26 care unit or in any other work setting at least half the hours Respondent works.

27 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
28 person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the

1 above required course(s). The Board shall return the original documents to Respondent after
2 photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$7,518.50. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the end
7 of the probation term.

8 If Respondent has not complied with this condition during the probationary term, and
9 Respondent has presented sufficient documentation of her good faith efforts to comply with this
10 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
11 extension of Respondent's probation period up to one year without further hearing in order to
12 comply with this condition. During the one year extension, all original conditions of probation
13 will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of her
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
16 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation has been
18 filed against Respondent's license or the Attorney General's Office has been requested to prepare
19 an accusation or petition to revoke probation against Respondent's license, the probationary
20 period shall automatically be extended and shall not expire until the accusation or petition has
21 been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if she ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without further
27 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
28 longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

14. **Physical Examination.** Within 45 days of the effective date of this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant,

documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. **Participate in Treatment/Rehabilitation Program for Chemical Dependence.** Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

17. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening

1 program within the specified time frame, Respondent shall immediately cease practice and shall
2 not resume practice until notified by the Board. After taking into account documented evidence
3 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
4 suspend Respondent from practice pending the final decision on the petition to revoke probation
5 or the accusation. This period of suspension will not apply to the reduction of this probationary
6 time period.

7 18. **Mental Health Examination.** Respondent shall, within 45 days of the
8 effective date of this Decision, have a mental health examination including psychological testing
9 as appropriate to determine her capability to perform the duties of a registered nurse. The
10 examination will be performed by a psychiatrist, psychologist or other licensed mental health
11 practitioner approved by the Board. The examining mental health practitioner will submit a
12 written report of that assessment and recommendations to the Board. All costs are the
13 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
14 result of the mental health examination will be instituted and followed by Respondent.

15 If Respondent is determined to be unable to practice safely as a registered nurse, the
16 licensed mental health care practitioner making this determination shall immediately notify the
17 Board and Respondent by telephone, and the Board shall request that the Attorney General's
18 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
19 practice and may not resume practice until notified by the Board. During this period of
20 suspension, Respondent shall not engage in any practice for which a license issued by the Board
21 is required, until the Board has notified Respondent that a mental health determination permits
22 Respondent to resume practice. This period of suspension will not apply to the reduction of this
23 probationary time period.

24 If Respondent fails to have the above assessment submitted to the Board within the 45-day
25 requirement, Respondent shall immediately cease practice and shall not resume practice until
26 notified by the Board. This period of suspension will not apply to the reduction of this
27 probationary time period. The Board may waive or postpone this suspension only if significant,
28 documented evidence of mitigation is provided. Such evidence must establish good faith efforts

by Respondent to obtain the assessment, and a specific date for compliance must be provided.

Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Sabina Sadykhova. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 10/6/2011

Eileen Angela Bulkley-Logston
EILEEN ANGELA BULKLEY-LOGSTON
Respondent

I have read and fully discussed with Respondent Eileen Angela Bulkley-Logston the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/6/11

Sabina Sadykhova
Sabina Sadykhova
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

submitted for consideration by the Board of Registered Nursing of the Department of Consumer
Affairs.

Dated: 10/27/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

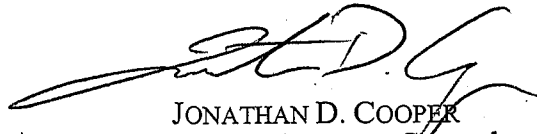

JONATHAN D. COOPER
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2011-928

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
JONATHAN D. COOPER
3 Deputy Attorney General
State Bar No. 141461
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-1404
Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No.

2011-928

11 **EILEEN A. BULKLEY-LOGSTON**
12 **aka Eileen Angela Bulkley-Logston**
13 **581 Silver Maple Dr.**
14 **Hercules, CA 94547**

A C C U S A T I O N

15 **Registered Nurse License No. RN 492293**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 31, 1993, the Board of Registered Nursing issued Registered
22 Nurse License Number RN 492293 to Eileen A. Bulkley-Logston, aka Eileen Angela Bulkley-
23 Logston (Respondent). The Registered Nurse License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on February 28, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
8 Code, the Board may renew an expired license at any time within eight years after the expiration.

9 **STATUTORY AND REGULATORY PROVISIONS**

10 6. Section 2761 of the Code states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 (a) Unprofessional conduct

14

15 7. Section 2762 of the Code states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the meaning of this
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
18 chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
20 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
21 administer to another, any controlled substance as defined in Division 10 (commencing with
22 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
23 defined in Section 4022.

24 (b) Use any controlled substance as defined in Division 10 (commencing with Section
25 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
26 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
27 himself or herself, any other person, or the public or to the extent that such use impairs his or her
28 ability to conduct with safety to the public the practice authorized by his or her license.

...

DANGEROUS DRUG/CONTROLLED SUBSTANCES

8. Section **4021** of the Code states:

"Controlled substance" means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

9. Section **4022** of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

10. **Tramadol**, also known as **Ultram**, is a dangerous drug within the meaning of Code section 4022.

11. **Vicodin**, also known as **Norco**, is a combination of acetaminophen and **Hydrocodone**, a schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and a dangerous drug within the meaning of Code section 4022.

COSTS

12. Section **125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL SUMMARY

13. On or about January, 2010, Respondent admitted to her nursing supervisor that she was addicted to narcotic medication, specifically Norco. Respondent stated that that she had been

1 using prescription narcotic medication that was prescribed for her husband. Respondent took a
2 medical leave of absence in order to address her addiction.

3 14. On or about February 1, 2011, Respondent admitted to an investigator from the
4 Division of Investigation that she had been addicted to Vicodin. Respondent admitted that she
5 had obtained the Vicodin illegally from a family member. Respondent stated that, at one point,
6 she had consumed nine vicodin tablets per day.

7 15. Although she maintained that she was no longer using drugs, on February 1, 2011,
8 Respondent submitted a urine sample that was found to be positive for Tramadol.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct)

11 16. Respondent is subject to disciplinary action under section 2761(a) of the Code, as set
12 forth above in paragraphs 13-15, in that she acted unprofessionally.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Unlawful Possession and Use of Controlled Substances)

15 17. Respondent is subject to disciplinary action under sections 2761(a) and 2762(a) of the
16 Code in that she obtained and possessed, in violation of law, and administered to herself,
17 controlled substances as defined in Division 10 (commencing with Section 11000) of the Health
18 and Safety Code and/or dangerous drugs as defined in Section 4022, as set forth above in
19 paragraphs 13-15.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Dangerous Use of Controlled Substances)

22 18. Respondent is subject to disciplinary action under sections 2761(a) and 2762(b) in
23 that she used controlled substances, as defined in Division 10 (commencing with Section 11000)
24 of the Health and Safety Code, and/or dangerous drugs as defined in Section 4022, to an extent or
25 in a manner dangerous or injurious to himself or herself, any other person, or the public and/or to
26 the extent that such use impaired her ability to conduct with safety to the public the practice
27 authorized by her license, as set forth above in paragraphs 13-15.

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 492293, issued to Eileen A. Bulkley-Logston, aka Eileen Angela Bulkley-Logston;
2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/16/11

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant